

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Moshman et al. Examiner : Mercier, Melissa S.
Serial No. : 10/776,333 Confirmation No. : 1725
Filed : 2/10/2004 Group Art Unit : 1615
For : Controlled Release Formulations

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

FILED BY EFS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith are patents and/or publications for consideration by the Patent and Trademark Office in regard to the invention claimed in the above-identified application. In compliance with 37 C.F.R. §1.56, such documents are listed on the enclosed Form PTO-1449.

This Information Disclosure Statement is submitted according to the following selected paragraph(s):

- ☒ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b) (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c) prior to either a final action or a notice of allowance. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby authorized to be charged to Deposit Account No. 02-4377.

- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c), with a statement under, 37 C.F.R. §1.97(e) prior to either a final action or a notice of allowance.

The undersigned hereby states that (check one):

- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(d), with a statement under 37 C.F.R. §1.97(e), after a final action or a notice of allowance but prior to payment of the issue fee. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby authorized to be charged to Deposit Account No. 02-4377. The undersigned hereby petitions that this Information Disclosure Statement be considered prior to issuance of the patent. The undersigned hereby states that (check one):

- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ The references listed on the accompanying PTO-1449 were either cited by the Examiner or previously submitted in parent application U.S. Serial No. _____, filed _____. Pursuant to 37 C.F.R. § 1.98(d), the references are not required if the earlier application is identified and relied upon for an effective filing date under 35 U.S.C. § 120 and therefore are not enclosed herewith.

Co-Pending Application Disclosure

- ☐ Applicants would like to bring to the attention of the Examiner the following co-pending patent applications, which are also listed on the accompanying PTO-1449:

| Serial No. | Filing Date |
|------------|-------------|
| | |
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Disclosure of Office Actions and Responses in Co-Pending Applications

- ☒ Applicants would like to bring to the attention of the Examiner the following Office Actions issued in co-pending patent applications and Responses to Office Actions filed in such applications, which are also listed on the accompanying PTO-1449:

| Serial No. | Date of Office Action or Response |
|------------|--|
| 12/049893 | 1/10/2011 Final Office Action |
| 12/049893 | 10/19/2010 Response to Non-Final Office Action |
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| | |

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under

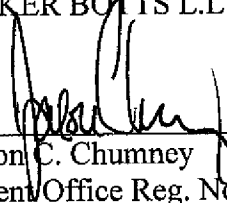
United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

Applicants believe no additional fee is due in connection with this submission. However, if any additional fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment to our Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.



Jason C. Chumney
Patent Office Reg. No.

July 20, 2011
Date

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

| | |
|------------------------|---------------------|
| Application Number | 10/776,333 |
| Filing Date | 2/10/2004 |
| Inventor(s) | Moshman et al. |
| Art Unit | 1615 |
| Examiner Name | Mercier, Melissa S. |
| Attorney Docket Number | 077350.0136 |

U.S. PATENT DOCUMENTS

| Exam. Initial. | No. | Document No. | Issue/Publication Date | Applicant(s) |
|-------------------|-----|--------------|---------------------------|--------------|
| | 1. | 20030077300 | 4/24/2003 | WERMELING |

CO-PENDING U.S. PATENT APPLICATIONS

| Exam Initial | No. | Application Serial No. | Filing Date |
|-----------------|-----|------------------------------|-------------|
| | 2. | 12/049893 (previously cited) | 3/17/2008 |

OFFICE ACTIONS AND RESPONSES IN CO-PENDING U.S. PATENT APPLICATIONS

| Exam Initial | No. | Application Serial No. | Date of Office Action or Response |
|-----------------|-----|------------------------|--|
| | 3. | 12/049893 | 1/10/2011 Final Office Action |
| | 4. | 12/049893 | 10/19/2010 Response to Non-Final Office Action |

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|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

NY02:718178.1

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.